

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MICHAEL GREGORY and FRAN GREGORY

PLAINTIFFS

v.

Civil Action No. 1:23-cv-239-HSO-BWR

**PINNACLE CLIMATE TECHNOLOGIES, INC.
d/b/a MASTER INDUSTRIAL PRODUCTS,
CAVAGNA NORTH AMERICA, INC., and
AMERIGAS PROPANE, L.P.**

DEFENDANTS

**DEFENDANT AMERIGAS PROPANE, L.P.'S RULE 12(c) MOTION FOR DISMISSAL
OF IT AND JUDGMENT IN ITS FAVOR ON PLAINTIFFS' THIRD AMENDED
COMPLAINT**

Defendant AmeriGas Propane, L.P. moves for dismissal of it and judgment in its favor as to Plaintiffs' Third Amended Complaint [ECF No. 21] pursuant to Federal Rule of Civil Procedure 12(c). Consistent with Local Uniform Civil Rule 7(b)(4), the contemporaneously filed memorandum in support explains in detail the bases for the requested relief.

For the reasons articulated in the memorandum, AmeriGas respectfully requests the Court dismiss it and enter judgment in its favor on Plaintiffs' pleading against it and the claims contained therein, certify the order as a final judgment pursuant to Federal Rule of Civil Procedure 54(b), and for any other relief as may be just.

Respectfully submitted, this the 27th day of September, 2024.

/s/Fredrick B. Feeney, II
FREDRICK B. FEENEY, II
STATE BAR NO. 5168
SHELLYE V. MCDONALD
STATE BAR NO. 2395
FRANKE & SALLOUM, PLLC
Attorneys for Defendant AmeriGas Propane, L.P.

FRANKE & SALLOUM, PLLC
ATTORNEYS AT LAW
POST OFFICE DRAWER 460
GULFPORT, MS 39502
TELEPHONE: (228) 868-7070

CERTIFICATE OF SERVICE

I, Fredrick B. Feeney, II, of the law firm of Franke & Salloum, PLLC, do hereby certify that I have this day electronically filed the above and foregoing Defendant Amerigas Propane, L.P.'s Rule 12(c) Motion For Dismissal Of It And Judgment In Its Favor On Plaintiffs' Third Amended Complaint using the CM/ECF system which sent notification of such filing to the following:

Scotty E. Chabert, Jr., Esq.
Saunders & Chabert, Attorneys at Law
6525 Perkins Road
Baton Rouge, LA 70808
schabert@sanderschabert.com

William E. Whitfield, III, Esq.
Copeland, Cook, Taylor & Bush, PA
P.O. Box 10
Gulfport, MS 39502-0010
bwhitfield@wewii.net

Kaara Lena Lind, Esq.
Copeland, Cook, Taylor & Bush, PA
P.O. Box 10
Gulfport, MS 39502-0010
klind@cctb.com

D. Stephen Brouillette, Jr., Esq.
Daigle Fisse, PLLC – Covington
P.O. Box 5350
Covington, LA 70434-5350
sbrouillette@daiglefisse.com

THIS, the 27th day of September, 2024.

/s/Fredrick B. Feeney, II
FREDRICK B. FEENEY, II

FRANKE & SALLOUM, PLLC
ATTORNEYS AT LAW
POST OFFICE DRAWER 460
GULFPORT, MS 39502
TELEPHONE: (228) 868-7070
FACSIMILE: (228) 868-7090
fbf@frslaw.com